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Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

WYATT B., *et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 6:19-cv-00556

**PLAINTIFFS' OBJECTIONS TO
DEFENDANTS' SUPPLEMENTAL
TRIAL EXHIBIT LIST**

Plaintiffs submit the following objections to Defendants' supplemental trial exhibits (ECF 437). Plaintiffs reserve all rights to object to Defendants' exhibits at trial pursuant to the Federal Rules of Evidence and depending on the purpose for which an exhibit is offered.

No.	Description	Objections
1240	Public Knowledge Raw Survey Data – contains confidential information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from numerous unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Subject to <i>Daubert</i> challenge. (ECF 360)
1241	Public Knowledge Assessment Methodology and Protocols for Oregon Child Welfare Review (Sep. 17, 2021)	<ul style="list-style-type: none"> • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Subject to <i>Daubert</i> challenge. (ECF 360)
1242	Continuum of Care Beyond Foster Care (Dec. 2018)	<ul style="list-style-type: none"> • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Confusing, misleading, prejudicial. The exhibit's probative value is substantially outweighed by a danger of confusing the issues. (FRE 403)
1243	Oregon DHS Office of Child Welfare Programs, Action Request Transmittal, Documenting Disability and Reasonable Modification Information (Nov. 1, 2021)	
1244	Oregon DHS Child Welfare Division, Fact Sheet, Updates to Screening Practice related to ORCAH and OTIS (10/1/20)	<ul style="list-style-type: none"> • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation.
1245	Oregon Screening Report, Assessment, and Foster Care Data re Reports of Abuse and Children Entering Foster Care – April 2019 to March 2024	<ul style="list-style-type: none"> • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Untimely. The exhibit was not produced in discovery.

1246	Third Party and OTIS Guide Table of Contents	<ul style="list-style-type: none"> • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation.
1247	U.S. Dept. of Health and Human Services, U.S. Dept. of Justice, Protecting the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, retrieved from https://www.hhs.gov/sites/default/files/disab	
1248	Voluntary Resolution Agreement between U.S. Dept. of Health and Human Services Office for Civil Rights and Oregon Dept. of Human Services (Nov. 2019)	
1249	KEEP Young Adult Qualitative Interviews	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Untimely. The exhibit was not produced in discovery.
1250	Oregon DHS Office of Developmental Disability Services, Request for Eligibility Determination (11/2015)	
1251	Health Care Profile re A.R. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1252	Health Care Profile re B.P.Z. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation.

		<ul style="list-style-type: none"> • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1253	Health Care Profile re V.C. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1254	Health Care Profile re G.J. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1255	Health Care Profile re K.H. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1256	Medical Evaluation re K.H. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1257	Personal Care Services History re K.H. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation.

		<ul style="list-style-type: none"> • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1258	Placement History re K.H. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1259	Health Care Profile re L.C. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1260	Placement History re L.C. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1261	Health Care Profile re T.O. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation. • Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106) • Subject to <i>Daubert</i> challenge. (ECF 445)
1262	Health Care Profile re I.M. – contains confidential/AEO information	<ul style="list-style-type: none"> • Hearsay – contains out-of-court statements from unnamed declarants. (FRE 801) • Authentication. The exhibit has not been properly authenticated. (FRE 901) • Lack of foundation.

		<ul style="list-style-type: none">• Incomplete. The exhibit is misleading because it is incomplete and taken out of context. (FRE 106)• Subject to <i>Daubert</i> challenge. (ECF 445)
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DATED this 6th day of May, 2024

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